

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

**LIN EDWARD DAVIS, SR.,** :  
:  
**Plaintiff,** :  
:  
**VS.** :  
:  
**Sheriff CARLTON POWERS, et al,** :  
:  
**Defendants.** :

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**ORDER**

Plaintiff Lin Davis has filed a motion to proceed *in forma pauperis* before the United States Court of Appeals. The district courts may authorize an appeal without prepayment of the fee required in the appellate courts if the moving party shows a financial inability to prepay the appellate filing fee and seeks to present an objectively non-frivolous, good-faith argument on appeal. 28 U.S.C. § 1915(a); Fed. R. App. P. 24(a).

*See also Coppedge v. United States*, 369 U.S. 438, 445 (1962).

In this case, Plaintiff's financial affidavit states that he is unable to pay the appellate filing fee; but, as this Court has previously found, Plaintiff is also barred by 28 U.S.C. § 1915(g) from proceeding *in forma pauperis* in the federal courts – regardless of his ability to pay the courts' filing fees – because three or more of his prior complaints or appeals have been dismissed and count as "strikes" under § 1915(g) and his pleadings fail to identify a real and imminent danger of serious physical injury so as to warrant exception to

the three-strikes rule.

Plaintiff, furthermore, has not articulated any specific issue he intends to raise on appeal, and after review of Plaintiff's motion, notice of appeal, and the prior orders in this case, the Court does not find any obvious good-faith cause for appeal. In the event Plaintiff simply intends to repeat, for the Court of Appeals, all arguments made in this case, the Court finds, for the same reasons stated in prior orders, that the issues Plaintiff seeks to raise on appeal lack arguable merit. The Court thus finds no objectively non-frivolous argument for appeal and certifies, pursuant to § 1915(a)(3) and Rule 24(a)(3), that Plaintiff's appeal is not taken in good faith.

The Motion to Proceed *in forma pauperis* on Appeal is accordingly **DENIED**.

If Plaintiff wishes to proceed with this appeal, he must pay the entire \$505.00 appellate filing fee. Because Plaintiff has stated that he cannot pay the \$505.00 immediately, he must pay using the partial payment plan described under 28 U.S.C. § 1915(b). The prison account custodian where Plaintiff is incarcerated shall thus cause to be remitted to the Clerk of this Court monthly payments of 20% of the preceding month's income credited to Plaintiff's account until the \$505.00 appellate filing fee has been paid in full. These funds shall be withheld by the prison account custodian who, on a monthly basis, shall forward the amount withheld from Plaintiff's account to the Clerk of this Court each time the amount in the account exceeds \$10.00 until the total filing fee of \$505.00 has been paid. Checks should be made payable to "Clerk, U.S. District Court."

**SO ORDERED**, this 2nd day of March 2017.

*s/ Hugh Lawson*

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HUGH LAWSON, SENIOR JUDGE